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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,141	12/17/2001	Richard H. Frenkiel	529022000100	4144

25227 7590 02/17/2006

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EXAMINER

HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/016,141	<b>Applicant(s)</b> FRENKIEL ET AL.	
	<b>Examiner</b> Farzana E. Hossain	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12-17-01.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2-11-03, 3-15-02</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: System and Method for the delivery of user requested information between a Service Center, a Local Transfer Station and a Terminal Device.

### ***Claim Objections***

2. Claim 4 is objected to because of the following informalities: Claim 4 recites the limitation "the communicative coupling" in Line 1. Claim 2 does not recite communicative coupling, Claim 3 does recite the coupling. It is assumed that Claim 4 depends from Claim 3. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 3, 9, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al (US 6,697,944 and hereafter referred to as "Jones").

Regarding Claim 1, Jones discloses a method for distributing data over a network, comprising providing kiosks or local transfer stations configured to receive data from a digital content provider or remote storage device (Column 11, lines 47-50, Column 8, lines 17-27) and output the data to a consumer's portable device or terminal device (Figure 4, 66), which comprises a storage for storing the data and information (Column 12, lines 30-45) for determining authentication or a recordable medium for storing the data and information for data authorization (Column 12, lines 15-29); and transferring the data to at least one of the kiosks for download of the data to the consumer portable device (Column 14, lines 26-39).

Regarding Claim 2, Jones discloses all the limitations of Claim 1. Jones discloses that the data is transferred for storage from the kiosk to the portable device and that after the storage decryption occurs in order to authenticate the protected files, which therefore necessarily include that the data is stored in an encrypted format in part on the information for data authorization (Column 12, lines 30-45).

Regarding Claim 3, Jones discloses all the limitations of Claim 1. Jones discloses there is a communicative coupling between the digital content provider server and the kiosks (Column 11, lines 45-50).

Regarding Claim 9, Jones discloses all the limitations of Claim 1. Jones discloses that the consumer operates the kiosk to download a requested portion of the data to the portable device (Column 11, lines 45-61).

Regarding Claim 11, Jones discloses all the limitations of Claim 9. Jones discloses the user selects the digital file and kiosk downloads the file or the outputting is in response to a signal from the receiving device (Column 11, lines 45-61).

5. Claims 16-18, 20, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Katz et al (US 2002/0107941 and hereafter referred to as "Katz").

Regarding Claim 16, Katz discloses a system for data distribution, the data stored at a authoring system with a mass storage device or a recordable medium (Figure 9, 241) comprising, local transfer stations or kiosks are configured to receive the data from the mass storage device and to output the data to a consumer's portable playback device (Figure 9, 212); a user or client computer system and library server or kiosk is makes a request and a service center or authoring system to process requests for the data from the kiosk (Pages 9-10, paragraph 0069); the processing includes the mass storage device being hand delivered, mailed or held for pick up by the user including the scheduling the delivery of the data to a selected transfer stations (Pages 9-10, paragraph 0069). The mass storage device or recordable medium storing the request data is physically transported to the selected kiosk by hand delivering or mailing the mass storage device (Figure 9, 241, Pages 9-10, paragraph 0069). Katz discloses that media files may be delivered via physical transport (Pages 9-10, paragraph 0069). It is necessarily included that the there are transport devices for physically transporting the device.

Regarding Claim 20, Katz disclose a method of distribution of data over a network (Figure 9, 240) comprising; the authoring system or service center (Figure 9, 280) transports data from a service center to a kiosk or local transfer station (Figure 9, 910), wherein the data or digital files are requested by a user having access to the network or client computer system (Pages 9-10, paragraph 0069); storing the requested data at the kiosk (Figure 9, 460, 241); and transferring the data to a mobile device, wherein mobile device is configured to decrypt the data as it has a special version of a client browser that can have same user functions as the kiosk which authenticates the download process or the data stored on the device is encrypted and configured to decrypt the requested data (Pages 9-10, paragraph 0069).

Regarding Claim 22, Katz discloses a method of transferring data over a hybrid network (Figure 9, 280), the hybrid network including a plurality of networks each network configured for physical and electronic transfer of data comprising; hand delivering mailing or holding for pick up of mass storage media or data by the user from the first network (Figure 9, 280) to a second network (Figure 9, 910); storing the data at a kiosk or transported data to a local transfer station for distribution based on user request (Figure 9, 910) and transferring the data to a mobile device; wherein the data stored at the local transfer station is encrypted (Pages 9-10, paragraph 0069) and mobile device is configured to decrypt the data as it has a special version of a client browser that can have same user functions as the kiosk which authenticates the download process (Pages 9-10, paragraph 0069). Katz discloses that media files may be delivered via physical transport (Pages 9-10, paragraph 0069).

Regarding Claim 17, Katz discloses all the limitations of Claim 16. Katz discloses that the kiosk outputs the data to the portable device (Figure 9, 221).

Regarding Claim 18, Katz discloses all the limitations of Claim 16. Katz discloses that there is at least communications one link (Figure 9, 240) between the kiosk (Figure 9, 910) and the authoring system (Figure 9, 280) and the service center receives request from the kiosk from that link (Figure 9, 219, 240).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-8, 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Katz.

Regarding Claim 4, 8 and 13, Jones discloses all the limitations of Claim 3, 1 and 1 respectively. Jones discloses that digital content provider can provide the data to a kiosk (Column 4, lines 15-20, Figure 4, Column 11, lines 45-50). Jones is silent on the communicative coupling between the provider and kiosk is one of a network connection/electronic connection/communication lines, a wireless link, a terrestrial broadcast, a satellite broadcast or physical transport. Katz discloses the communicative

coupling is one of a network connection/electronic connection/communication lines (Figure 9, 240) or physical transport (Pages 9-10, paragraph 0069). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jones to include the communicative coupling is one of a network connection/electronic connection/communication lines (Figure 9, 240) or physical transport (Pages 9-10, paragraph 0069) as taught by Katz in order to ensure proper protection of file transfer (Page 1, paragraph 0005) as disclosed by Katz.

Regarding Claim 5, Jones discloses all the limitations of Claim 1. Jones is silent on the transferring according to the request based on the kiosk. Katz discloses that the user requests the data and the authoring system provides the kiosk with the data according to the request (Page 9-10, paragraph 0069). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jones to include user requests the data and the authoring system provides the kiosk with the data according to the request (Page 9-10, paragraph 0069) as taught by Katz in order to ensure proper protection of file transfer (Page 1, paragraph 0005) as disclosed by Katz.

Regarding Claim 6, Jones and Katz disclose all the limitations of Claim 5. Katz discloses an alternative embodiment of the system of a client system connecting directly to (Figure 2). Katz discloses that the alternative is to output data between a kiosk to the client instead of directly to the client (Pages 9-10, paragraph 0069). Katz discloses that the data could be downloaded at the time of request; sometime after the request; or



multiple times after the purchase (Page 6, paragraph 0045); the time of request reads as a particular time that is specified.

Regarding Claim 7, Jones discloses all the limitations of Claim 1. Jones is silent on receiving a plurality of requests for delivery of data and scheduling the delivery to the kiosks. Katz discloses the user making a request for the delivery of data (Pages 9-10, paragraph 0069) and then the network schedules the delivery of the data to the kiosk at the time of the purchase or at a later time depending on whether the data is delivered for pick up at the kiosk (Pages 9-10, paragraph 0069). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jones to include the user making a request for the delivery of data (Pages 9-10, paragraph 0069) and then the network schedules the delivery of the data to the kiosk at the time of the purchase or at a later time depending on whether the data is delivered for pick up at the kiosk (Pages 9-10, paragraph 0069) as taught by Katz in order to ensure proper protection of file transfer (Page 1, paragraph 0005) as disclosed by Katz.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Treyz et al (US 6,587,835 and hereafter referred to as "Treyz").

Regarding Claim 10, Jones discloses all the limitations of Claim 9. Jones is silent on downloading data from the kiosk wirelessly. Treyz discloses a system, which allows kiosks to deliver content such as audio or video (Column 60, lines 57-67, Figure 107). Treyz discloses a handheld computer, which allows wireless communications between a kiosk and the handheld computer for information on products and services or

the download for kiosk to the device is wireless (Column 60, lines 57-67, Column 63, lines 1-12, Column 13, lines 23-38, Column 1, lines 59-60, Column 10, lines 21-25, Column 12, lines 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jones a handheld computer, which allows wireless communications between a kiosk, and the handheld computer (Column 60, lines 57-67, Column 63, lines 1-12, Column 13, lines 23-38) as taught by Treyz in order to improve communications while shopping (Column 1, lines 36-38) as disclosed by Treyz.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Katz as applied to claim 5 above, and further in view of Kindell et al (US 5,854,887 and hereafter referred to as "Kindell").

Regarding Claim 12, Jones and Katz disclose all the limitations of Claim 5. Jones discloses that kiosks are located inside retail outlets (Column 11, lines 45-50). Katz discloses that the kiosk with a library server will hold data until arrival for pickup of any requested data. Jones and Katz are silent that if selection allows the user to select the particular kiosk with server. Kindell discloses a system with users at a viewing terminals located in a store or a kiosk located in a store (Figure 1, 10, 12, 14). Kindell discloses a system which allows users to select particular data from the server (Column 5, lines 62-65, Figure 1, 26, 34, 40, Column 6, lines 32-35), that if the server for the viewing terminal does not have available data than the server searches for data at remote locations or servers for retrieval of requested data from the remote server or to

select a particular viewing terminal with server of requested data (Column 6, lines 45-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jones in view of Katz to allow users to select particular data from the server at the kiosk or to select a particular kiosk (Column 5, lines 62-65, Figure 1, 26, 34, 40, Column 6, lines 32-35, 45-62) as taught by Kindell in order to retrieve data quickly from a storage device without delays depending on a request (Column 1, lines 64-67, Column 2, lines 1-10) as disclosed by Kindell.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Katz as applied to claim 13 above, and further in view of Treyz.

Regarding Claim 14, Jones and Katz disclose all the limitations of Claim 13. Jones discloses that data is transmitted to retail outlet with kiosks (Column 11, lines 45-5) and the data includes movies (Column 8, lines 18-25). Jones and Katz are silent on the retail outlets with kiosks located at commuter transit stations. Treyz discloses a system, which allows kiosks to deliver content such as audio or video (Column 60, lines 57-67, Figure 107). Treyz discloses a kiosk can be accessed in airports or public places or transit stations (Column 62, lines 62-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jones in view of Katz to include that a kiosk can be located in airports (Column 62, lines 62-65) as taught by Treyz in order to improve communications while shopping (Column 1, lines 36-38) as disclosed by Treyz.

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (US 5,909,638) in view of Jones.

Regarding Claim 15, Allen discloses a method of accessing data for download to a customer (Figure 1, Column 8, lines 1-15), providing a plurality of service centers to process requested data from the consumer on a network (Column 7, lines 53-67, Column 8, lines 1-15); providing a plurality of retail outlets with kiosks within a geographic area to process the requested data (Column 8, lines 1-15); providing the retail outlets with kiosks within a geographic area and accessible by this network (Column 11, lines 43-5), the outlets configured to download the data to a storage to a storage for the consumer (Column 8, lines 1-15). Allen is silent on the viewer going to a kiosk with his receiving device to download data and the kiosk has a link to connect to the receiving device for the downloading. Jones discloses that the user or viewer can go to a kiosk at the retail outlet or outlets with his receiving device (Figure 4, 66) to download data and the outlets with kiosks are configured with links to link with the receiving device in order to select and download the requested data over the USB link (Figure 4, Column 11, lines 45-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allen to include the user can go to a kiosk at the retail outlet or outlets with his receiving device (Figure 4, 66) to download data and the outlets with kiosks are configured with links to link with the receiving device in order to select and download the requested data over the USB link (Figure 4, Column 11, lines 45-61) as taught by Jones in order to transfer digital content

files to ensure proper protection and prevent unauthorized duplication of the files (Column 1, lines 8-15) as disclosed by Jones.

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katz in view of Dulac et al (US 6,442,599 and hereafter referred to as "Dulac").

Regarding Claim 19, Katz discloses all the limitations of Claim 18. Katz is silent on another service center servicing the kiosks and the communications links between the two service centers. Dulac discloses a system, which allows user systems in large geographic area to order movies from a data processing system or service center (Column 3, lines 35-43). Dulac discloses that another processing systems can service the user systems (Figure 2, 54, Column 4, lines 15-16) and a communications network between the two processing systems (Figure 2, 56, 52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katz to include the another processing systems can service the user systems (Figure 2, 54) and a communications network between the two processing systems (Figure 2, 56, 52) as taught by Dulac in order to have improved systems and their performance for transferring data or video without incurring costs (Column 1, lines 16-21, Column 2, lines 39-47) as disclosed by Dulac.

13. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katz in view of Jones.

Regarding Claim 21, Katz discloses all the limitations of Claim 20. Katz is silent on personalized encrypted data. Jones discloses that the digital content provider encrypts all data and each portable device has to decrypt the data based on device identity and trust level or that the encrypted data is personalized for each user (Column 12, lines 30-47, Figure 8a, 122). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katz to include the digital content provider encrypts all data and each portable device has to decrypt the data based on device identity and trust level or that the encrypted data is personalized for each user (Column 12, lines 30-47, Figure 8a, 122) as taught by Jones in order to transfer digital content files to ensure proper protection and prevent unauthorized duplication of the files (Column 1, lines 8-15) as disclosed by Jones.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Doerr et al (US 5,949,411 and hereafter referred to as "Doerr").

Doerr discloses a system for previewing movies, videos and music at a kiosk (Figure 1, Figure 2, 13, Figure 3, 13).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH  
February 8, 2006



VIVEK SRIVASTAVA  
PRIMARY EXAMINER